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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,966	08/03/2001	Masuyo Horiguchi	045054-0145	8808

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FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER

ADDY, THJUAN KNOWLIN

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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09/11/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/920,966

Applicant(s)

HORIGUCHI, MASUYO

Examiner

Thjuan K. Addy

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on June 18, 2007 has been entered. Claims 34 and 29 have been amended. Claims 1-24 have been cancelled. Claims 45 and 46 have been added. Claims 25-46 are now pending in this application, with claims 25, 33, 34, and 39 being independent.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 25-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toba (US 6,438,392), in view of Watanabe et al (US 6,125,264).

4. In regards to claims 25, 27, 33, 34, 37, 41, 43, and 44, Toba discloses a foldable portable cellular phone (e.g., folding portable cellular phone, See Fig. 1) and method being constructed integrally of a main body (See Fig. 1 and body 1) with a speech function, a lid body (See Fig. 1 and cover section 2) foldable relative to said main body, and a screen (See Fig. 1 and Liquid Crystal Display (LCD) 6) to display operational contents, comprising: a control section (See Fig. 3 and control circuit 12) to store in a call history storing area in a storing unit call history information (for example, telephone number or an ID of the calling party, a timestamp, etc.) about an unanswered call that was received (See col. 5 lines 28-35); a key (See Fig. 3 and operation keys 4) operative

Art Unit: 2614

to provide control signals to said control section to cause said control section to search said call history storing area in said control section and said telephone directory memory, said key being configured to be operated by a called party (e.g., user); wherein, when the unanswered call was received while said foldable portable cellular phone was folded, a sound (for example, the sound is providing by the vibrator 15 or the sounder 16, See Fig. 3) corresponding to a calling party of the unanswered call is output through operation of said key (See col. 5 lines 21-35 and col. 5-6 lines 55-4). Toba, however, does not disclose a telephone information registering unit including a telephone directory memory in which a plurality of different sounds are stored so as to be associated with a corresponding plurality of pre-registered calling parties; upon a match resulting from said searching, cause to output one of said plurality of sounds which corresponds to a pre-registered calling party stored in said telephone directory memory; and whereby each of a plurality of different calling parties may be identified by each of a plurality of different sounds in response to operation of said key. Watanabe, however, does disclose a telephone information registering unit (See Fig. 1 and ROM 22) including a telephone directory memory (See Fig. 1 and RAM 23) in which a plurality of different sounds are stored so as to be associated with a corresponding plurality of pre-registered calling parties (See col. 3 lines 16-21, col. 3 lines 35-52, col. 5 lines 8-26, col. 5 lines 34-56, and col. 6 lines 1-21); upon a match resulting from said searching, cause to output one of said plurality of sounds which corresponds to a pre-registered calling party stored in said telephone directory memory (See col. 5 lines 8-26, col. 5 lines 34-56, and col. 5 lines 53-62); and whereby each of a plurality of different calling

Art Unit: 2614

parties may be identified by each of a plurality of different sounds in response to operation of said key (See Fig. 1 and operation keyboard 25) (See col. 3 lines 53-57, col. 5 lines 8-26, col. 5 lines 34-56, and col. 6 lines 1-21). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate these features within the system, as a way of providing a signal receiving method, which includes the steps of receiving a signal and informing a called party about the status of a call received.

5. In regards to claims 26 and 36, Toba discloses all of claims 26 and 36 limitations, except the foldable portable cellular phone, wherein said control section is configured to cause to output one of said plurality of sounds corresponding to a second one of said pre-registered calling parties who called prior to a first one of said pre-registered calling parties in response to multiple successive operations of said key. Watanabe, however, does disclose wherein said control section is configured to cause to output one of said plurality of sounds corresponding to a second one of said pre-registered calling parties who called prior to a first one of said pre-registered calling parties in response to multiple successive operations of said key (See col. 3 lines 16-21, col. 3 lines 35-52, col. 5 lines 8-44, and col. 5 lines 53-62).

6. In regards to claims 28, 32, and 38, Toba discloses all of claims 28, 32, and 38 limitations, except the foldable portable cellular phone, wherein said sounds are produced by a ringer generator. Watanabe, however, does disclose wherein said sounds are produced by a ringer generator (Fig. 1 and CPU 21) (See col. 3 lines 35-52 and col. 5 lines 46-52).

7. In regards to claims 29, 39, and 42, Toba discloses all of claims 29, 39, and 42 limitations, except the foldable portable cellular phone, wherein vibration is employed in addition to said sounds. Watanabe, however, does disclose wherein vibration is employed in addition to said sounds (See col. 7 lines 22-29).

8. In regards to claims 30, 35, and 40, Toba discloses the foldable portable cellular phone, wherein said incoming call history information includes the name of a calling party (See col. 5 lines 28-35).

9. In regards to claim 31, Toba discloses the foldable portable cellular phone, wherein said incoming call information history includes the time (e.g., timestamp) an unanswered call was received (See col. 5 lines 28-35).

10. In regards to claim 43, Toba and Watanabe disclose all of claim 43 limitations, except Toba does not disclose the portable phone, wherein, when  $m$  unanswered calls were received while said foldable portable cellular phone was folded,  $m$  being a positive integer greater than one, and upon operation of the keypad  $m$  consecutive times by the called party, a sound corresponding to a calling party of one of the  $m$  unanswered calls that was received by said foldable portable cellular phone prior to any of the other  $m-1$  unanswered calls, is output through operation of said key. Watanabe, however, does disclose wherein, when  $m$  unanswered calls were received while said foldable portable cellular phone was folded,  $m$  being a positive integer greater than one, and upon operation of the keypad (See Fig. 1 and operation keyboard 25)  $m$  consecutive times by the called party, a sound corresponding to a calling party of one of the  $m$  unanswered calls that was received by said foldable portable cellular phone prior to any of the other

Art Unit: 2614

m-1 unanswered calls, is output through operation of said key (See col. 3 lines 53-57, col. 5 lines 8-26, col. 5 lines 34-56, and col. 6 lines 1-21).

11. In regards to claim 44, Toba and Watanabe disclose all of claim 44 limitations, except Toba does not disclose the portable phone, wherein, when m unanswered calls were received by said portable phone, m being a positive integer greater than one, and upon operation of the keypad m consecutive times by the called party, a sound corresponding to a calling party of the m unanswered calls that was received by said portable phone prior to any of the other m-1 unanswered calls, is output through operation of said key. Watanabe, however, does disclose wherein, when m unanswered calls were received by said portable phone, m being a positive integer greater than one, and upon operation of the keypad (See Fig. 1 and operation keyboard 25) m consecutive times by the called party, a sound corresponding to a calling party of the m unanswered calls that was received by said portable phone prior to any of the other m-1 unanswered calls, is output through operation of said key (See col. 3 lines 53-57, col. 5 lines 8-26, col. 5 lines 34-56, and col. 6 lines 1-21).

12. In regards to claims 45 and 46, Toba and Watanabe disclose all of claims 45 and 46 limitations, except Toba does not disclose a second identifying unit configured to determine whether a sender of an e-mail to the portable phone when the portable phone is folded matches information stored in an e-mail directory memory, and to cause the vibration generator to produce a particular vibration corresponding to the sender of the e-mail when there is a match. Watanabe, however, does disclose generating a particular sound when a page from a pager or facsimile tone/signal is received (See col.

Art Unit: 2614

6-7 lines 28-2). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate this feature within the portable phone, as a way of generating a particular sound/notification when a called party receives an e-mail.

### ***Response to Arguments***

13. Applicant's arguments filed 06/18/07 have been fully considered but they are not persuasive.

14. Applicant argues that, in Toba, the vibration and/or sound emanated by the cellular phone is not provided such that the user can determine a particular calling party which made a particular call, based on that particular sound previously being equated by the user of the cellular phone with the particular calling party, but rather the user of Toba's cellular phone only knows by the sound and/or vibration that a call was made to his/her cellular phone, and the user of Toba's cellular phone has to peruse the LED display to determine who actually made that call. Applicant further argues that Watanabe et al. do not describe a telephone directory memory in which a plurality of different sounds are stored so as to be associated with a plurality of pre-registered calling parties, and that there is nothing in the cited portions of Watanabe et al. concerning the equating, by a called party, of calling parties with particular sounds, so that when a sound is made by the called party's cellular phone while the cellular phone is folded, the call party can determine who made that call to him/her, based solely on that sound.



Art Unit: 2614

15. In response to Applicant's argument concerning that, in Toba, the vibration and/or sound emanated by the cellular phone is not provided such that the user can determine a particular calling party which made a particular call, based on that particular sound previously being equated by the user of the cellular phone with the particular calling party, but rather the user of Toba's cellular phone only knows by the sound and/or vibration that a call was made to his/her cellular phone, and the user of Toba's cellular phone has to peruse the LED display to determine who actually made that call, Examiner respectfully disagrees. The limitation, of claim 25, in which Toba was used to disclose, does not recite a vibration and/or sound emanated by the cellular phone being provided such that the user can determine a particular calling party which made a particular call, based on that particular sound previously being equated by the user of the cellular phone with the particular calling party. The limitation, of claim 25, in which Toba was used to disclose, merely recites, "wherein, when the unanswered call was received while said foldable portable cellular phone was folded, a sound corresponding to a calling party of the unanswered call is output through operation of said key." This particular limitation of claim 25, does not recite a plurality of different sounds, nor the calling party as being a pre-registered/particular calling party. This particular limitation, merely recites, "a sound corresponding to a calling party of the unanswered call." Therefore, the user of Toba's cellular phone may simply have his or her cellular phone set to vibrate or produce a sound (for example, the sound is providing by the vibrator 15 or the sounder 16, See Fig. 3) when an answered call of a calling party is received. Therefore, Toba does teach, wherein, when the unanswered call was received while

Art Unit: 2614

said foldable portable cellular phone was folded, a sound (for example, the sound is providing by the vibrator 15 or the sounder 16, See Fig. 3) corresponding to a calling party of the unanswered call is output through operation of said key (See Fig. 3 and operation keys 4) (See col. 5 lines 21-35 and col. 5-6 lines 55-4).

16. In response to Applicant's argument concerning that Watanabe et al. do not describe a telephone directory memory in which a plurality of different sounds are stored so as to be associated with a plurality of pre-registered calling parties, and that there is nothing in the cited portions of Watanabe et al. concerning the equating, by a called party, of calling parties with particular sounds, so that when a sound is made by the called party's cellular phone while the cellular phone is folded, the call party can determine who made that call to him/her, based solely on that sound, Examiner respectfully disagrees. Watanabe et al. teach that telephone numbers are previously stored and registered in the memory (See Fig. 1 and RAM 23). Watanabe et al. further teach that different calling sounds (e.g., calling sound #1, calling sound #2, and calling sound #3, See Fig. 5) correspond to, and are set for the stored/registered telephone numbers. That is, when an incoming call is received, the telephone set indicates an identification (ID) number (e.g., telephone number) of the caller. Therefore, if the caller is registered in the called party's telephone set, a different calling sound may be generated for that particular caller (See col. 5 lines 8-26, col. 5 lines 34-56, and col. 6 lines 1-21).

***Conclusion***

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

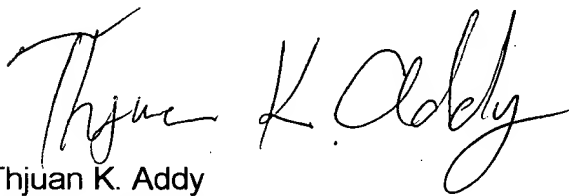
18. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan K. Addy whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Thjuan K. Addy', is written in a cursive style.

Thjuan K. Addy  
Patent Examiner  
AU 2614